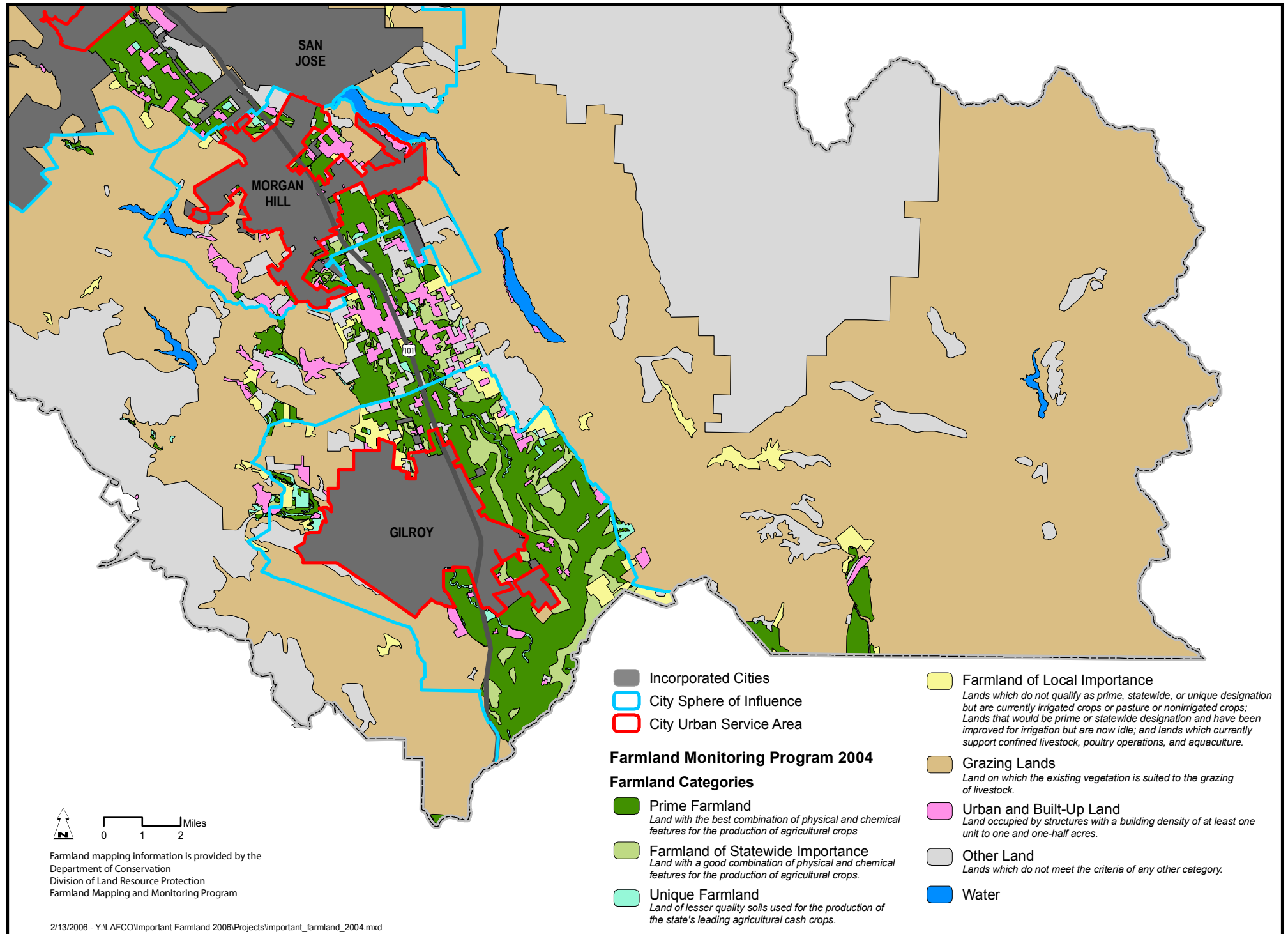
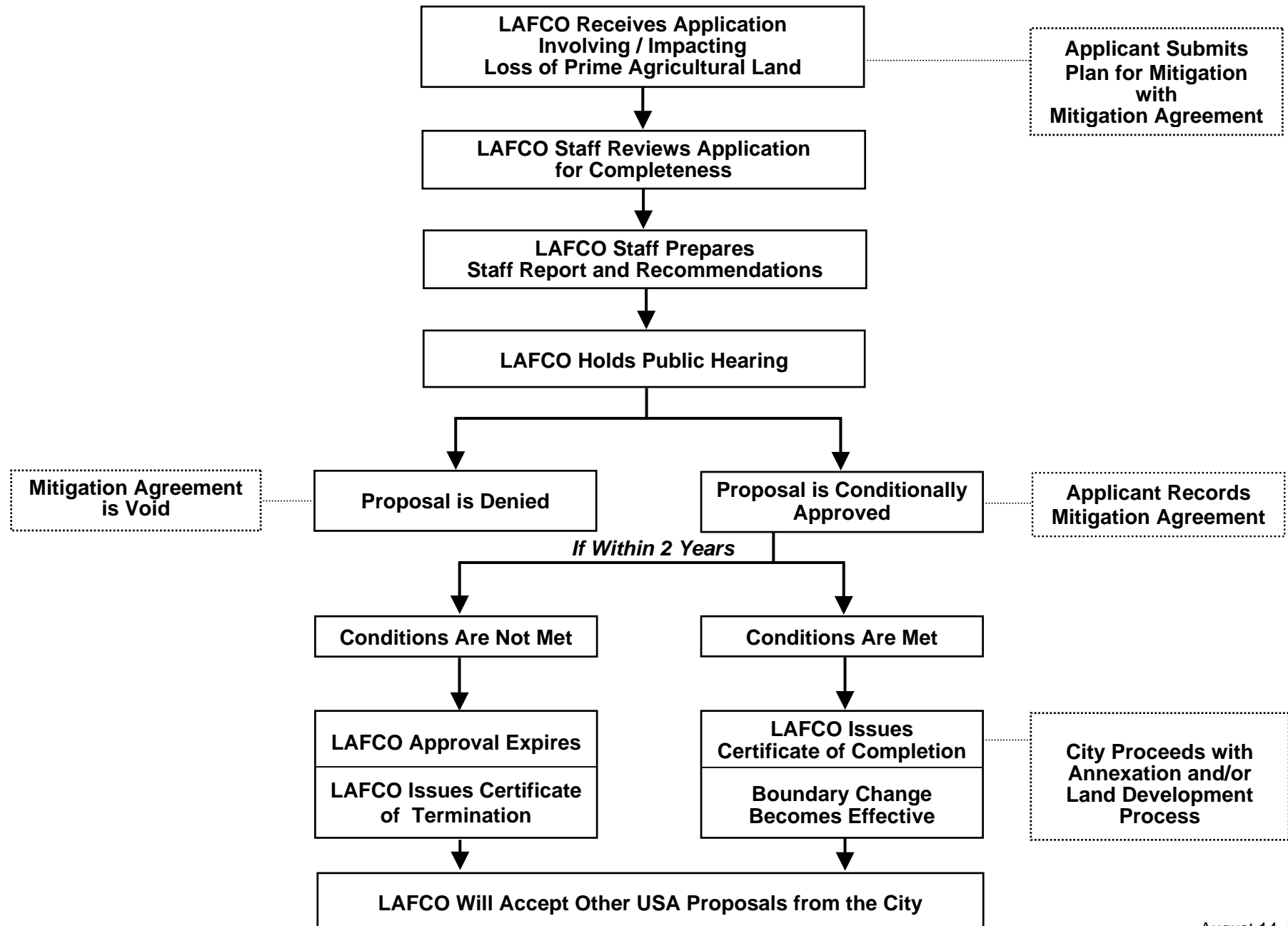


Santa Clara County Important Farmland 2004



DRAFT AGRICULTURAL MITIGATION POLICIES TIMING AND FULFILLMENT OF MITIGATION



August 14, 2006

Land Trust Alliance

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Standards & Practices:

Land Trust Standards and Practices

The *Land Trust Standards and Practices* are guidelines for the responsible operation of a land trust, which is run legally, ethically, and in the public interest and conducts a sound program of land transactions and stewardship.

The Land Trust Alliance originally developed the Standards in 1989 at the urging of land trusts, who believe a strong land trust community depends on the credibility and effectiveness of all its members. They have been revised in 2004.

The newly formed Land Trust Accreditation Commission, *An Independent Program of the Land Trust Alliance*, will provide independent verification of a the 42 indicator practices from *Land Trust Standards and Practices* that show a land trust's ability to operate in an ethical, legal and technically sound manner and ensure the long-term protection of land in the public interest.

Land Trust Accreditation Commission

An Independent Program of the Land Trust Alliance

The Commission is gearing up to provide independent verification of a land trust's ability to operate in an ethical, legal and technically sound manner and ensure the long-term protection of land in the public interest.

[Learn more about accreditation.](#)







Land Trust Alliance

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lta@lta.org

Adoption Requirements

LTA currently requires all of its Land Trust Members to adopt the *Land Trust Standards and Practices*. We have put together a set of steps detailing how a land trust can complete the adoption process.

Download a copy of the newly revised *Land Trust Standards and Practices* or **order a printed copy**.

Click on the icon next to the document you want to view <u>or</u> right click and choose "save target as" to save a copy to your computer.		
<i>Land Trust Standards and Practices</i>	 242KB	 270KB
Sample Board Adoption Resolution	 33KB	 20KB
<i>Background to the 2004 Revisions of Land Trust Standards and Practices</i>	 164KB	 159KB

Quick Reference Guide:
How Revised *Standards and Practices*
Compare to the Previous Edition



37KB



37KB

Resources for Implementing *Land Trust Standards and Practices*

LTA will continue to provide instructional tools to help land trusts understand and implement the specific practices.

- Look for workshops at the Land Trust Alliance Rally and throughout the year.
- A curriculum specifically targeted at helping land trusts implement the practices is being developed.
- LTAnet - LTA's digital library for members and partners contains a large number of documents specifically written to help with implementation.
- Review the Standards and Practices Guidebook, and other LTA publications.

updated 4/27/06

The Land Trust Alliance promotes voluntary land conservation and strengthens the land trust movement by providing the leadership, information, skills and resources land trusts need to conserve land for the benefit of communities and natural systems

AGRICULTURE BUFFER POLICY CITY OF WATSONVILLE

Adopted October 26, 2004 by Resolution Number ____ -04 (CM)

On August 24, 2004, the City Council of the City of Watsonville directed Staff to prepare agriculture buffer policy to replace policies adopted by the City Council on September 22, 1987 [Resolution Number 334-87 (CM)]

This policy supercedes and replaces the policy adopted on September 22, 1987 by Resolution Number 334-87 (CM).

I. PURPOSE

The stated purpose of this policy is to assist in the preservation of agriculture uses on Santa Cruz County Commercial Agriculture (CA) Zoned lands adjacent to the City's urban growth boundary, by providing buffers between certain urban uses and agriculture activities. The purpose is to address urban/ agriculture conflicts.

II. APPLICABILITY

Except as otherwise indicated in Section IX, the agriculture buffer policies shall apply to the parceling, subdivision and development of any parcel(s) for residential, institutional, hotel/ motel, and/ or active private or public parks that are adjacent to Santa Cruz County Commercial Agriculture zoned property. These policies apply to those lands outside the Coastal Zone.

III. NOTICE OF FILING

The City shall, upon filing of an application for a project subject to the Agriculture Buffer Policy, provide a notice of the filing to the Santa Cruz County Farm Bureau and Santa Cruz County Agricultural Commissioner.

IV. BUFFER WIDTH

Except as otherwise provided in Section VIII, no agriculture buffer shall have a depth of less than 200 lineal feet. The buffer shall be located entirely within the urban area, and shall not utilize any portion of the Santa Cruz County CA-zoned lands.

IV. BUFFER IMPROVEMENTS

An Agriculture Buffer Report, prepared by a third party, shall be submitted in conjunction with any application subject to this policy. The buffer report shall make recommendations regarding the fencing/ wall requirements at the boundary, vegetative buffering, signage, long-term maintenance and other related design considerations, to minimize potential land-use conflicts. To



mitigate sound, sight, trespassing and/or other urban/agricultural conflicts, the buffer will include but not be limited to one or a combination of the following:

- Eight-foot chain link fencing
- Mounding
- Natural buffers
- Solid/Masonry fencing
- Thorny bushes, trees, vines and other extensive landscaping

The report, upon submittal to the City, shall be forwarded to the Santa Cruz County Farm Bureau, and Santa Cruz County Agricultural Commissioner for review and comment.

V. PERMISSABLE USES WITHIN BUFFER AREA

1. Other than fencing and regional drainage facilities and underground utilities, the first 150 feet of buffer area shall include only landscape and related non-accessible open space components.
2. Within the remaining 50 feet of buffer, the following may be permitted:
 - a. Public streets and roads (including curb, gutter, sidewalk, bicycle lanes, and parkway plantings) necessary to serve the project, provided any sidewalk and on-street parking is located on the development side of the roadway;
 - b. Regional and local storm-drainage improvements, and other underground utilities;
 - c. If a public street or road is not required for travel access, pedestrian and bicycle trails as identified on the City's General Plan Transportation Element will be allowed and will be located adjacent to the development area.

VI. CONSERVATION EASEMENT

An agriculture buffer/ conservation easement shall be recorded over the entire buffer area in conjunction with a Final Map or prior to issuance of a Certificate of Occupancy. The easement shall be held by the City or a City approved non-profit conservation entity. Signage shall be placed on the buffer at locations recommended in the buffer report, indicating that the area is an agriculture buffer, subject to no trespass and indicate ownership and contact information.

VII. MAINTENANCE AND NOTICE

Provisions shall be made for the long-term maintenance of the buffer area. The City shall, by condition, establish the mechanism [e.g. landscape lighting maintenance assessment district (LLMAD), homeowners association, etc.] for the maintenance in conjunction with its approval of any project requiring a buffer. Conditions shall establish a single point of notice of the urban



20

development for agriculture related notices. Conditions of approval shall also reference the City's Right To Farm ordinance and confirm developer/ owner disclosure responsibilities.

VIII. MODIFICATION TO BUFFER WIDTH

The City Council, upon recommendation of the Planning Commission, may authorize a reduction in the buffer based upon the following:

1. A buffer area of no less than 150-feet is provided;
2. A formal written notice for comment has been submitted to the Santa Cruz County Farm Bureau and Santa Cruz County Agricultural Commissioner upon filing of the application. Additionally, staff will provide the Santa Cruz County Farm Bureau and the Santa Cruz County Agricultural Commissioner a copy of the draft staff report regarding the adequacy of the buffer, prior to it going to the City Council.
3. A determination is made that one or more of the following special circumstances exist:
 - a. Significant topographic differences exist between agriculture and urban uses which allows for the reduction in the buffer width; and
 - b. Permanent substantial vegetation (such as Riparian Corridor or Woodland permanently protected by the County or City) or other physical barriers exist between agriculture and urban uses which allows for the reduction in buffer width;

IX. EXCEPTIONS

The policies shall not apply to:

1. The expansion, replacement or remodel of an existing institutional, hotel/ motel and/ or active private or public park use existing in the City prior to approval of this policy;
2. The construction, expansion, replacement or remodel of a single-family residence, and/ or accessory dwelling unit, or multi-family project on an existing parcel of record.



ORDINANCE NO. 1823

AN ORDINANCE AMENDING THE CITY OF DAVIS
CODE TO PROVIDE A RIGHT TO FARM AND
FARMLAND PRESERVATION REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 30 is added to the Davis Municipal Code to read as follows:

CHAPTER 30

RIGHT TO FARM AND FARMLAND
PRESERVATION

Article I. Right to Farm

§30-10	Purpose
§30-20	Definitions
§30-30	Deed Restrictions
§30-40	Notice to Transferees
§30-50	Agricultural Buffer Requirement

Article II. Dispute Resolution

§30-100	Properly Operated Farm Not a Nuisance
§30-110	Resolution of Disputes

Article III. Farmland Preservation

§30-200	Purpose and Findings
§30-210	Definitions
§30-220	Requirements
§30-230	Comparable Soils and Water Supply
§30-240	Eligible Lands
§30-250	Instruments; Duration
§30-260	Advisory Committee

Article IV. Violation

§30-300	Violation
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Article V. Precedence

§30-400	Precedence
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Article I. Right to Farm

Section 30-10. Purpose.

(a) It is a goal of the City of Davis General Plan to work cooperatively with the Counties of Yolo and Solano to preserve agricultural land in the Davis planning area which is not otherwise identified in the General Plan as necessary for development. It is the policy of the City of Davis to preserve and encourage agricultural land use and operations within the City of Davis and Yolo and Solano counties, and to reduce the occurrence of conflicts between agricultural and non-agricultural land uses and to protect the public health. One purpose of this law is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

(b) It is also the policy of the City of Davis to provide purchasers and tenants of non-agricultural land close to agricultural land or operations with notice about the City's support of the preservation of agricultural lands and operations. An additional purpose of the notification requirement is to promote a good neighbor policy by informing prospective purchasers and tenants of non-agricultural land of the effects associated with living close to agricultural land and operations.

(c) It is further the policy of the City of Davis to require all new developments adjacent to agricultural land or operations to provide a buffer to reduce the potential conflicts between agricultural and non-agricultural land uses.

(d) Implementation of these policies can be strengthened by establishing a dispute resolution procedure designed to amicably resolve any complaints about agricultural operations that is less formal and expensive than court proceedings.

Section 30-20. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(a) Agricultural land. Those land areas of Yolo County specifically zoned as Agricultural Preserve (A-P), Agricultural Exclusive (A-E), and Agricultural General (A-1), as those zones are defined in the Yolo County Zoning Ordinances, those land areas of Solano County specifically zoned Exclusive Agricultural (A-40), as those zones are defined in the Solano County Zoning Ordinances, and those land areas of the City of Davis specifically zoned as Agricultural (A), Planned Development or any other zoned land as defined by the Davis Municipal Code where the land use on the land within the city limits is agricultural.

(b) Agricultural operations. Any agricultural activity, operation, or facility including, but not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including timber, viticulture, apiculture or horticulture, the raising of livestock, fur-bearing animals, fish or

poultry, agricultural spoils areas, and any practices performed by a farmer or on a farm as incidental to or in conjunction with such operations, including the legal application of pesticides and fertilizers, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market.

(c) Agricultural processing facilities or operations. Agricultural processing activity, operation, facility, or appurtenances thereof includes, but is not limited to, the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of beer and wine, the processing of meat and egg products, the drying of fruits and grains, the packing and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and includes processing for wholesale or retail markets of agricultural products.

(d) Property. Any real property located within the city limits.

(e) Transferee. Any buyer or tenant of property.

(f) Transferor. The owner and/or transferor of title of real property or seller's authorized selling agent as defined in Business and Profession Code Section 10130 et. seq., or Health and Safety Code Section 18006, or a landlord leasing real property to a tenant.

(g) Transfer. The sale, lease, trade, exchange, rental agreement or gift.

Section 30-30. Deed Restriction.

(a) As a condition of approval of a discretionary development permit, including but not limited to tentative subdivision and parcel maps, use permits, and rezoning, prezone, and planned developments, relating to property located within one thousand (1000) feet of agricultural land, agricultural operations or agricultural processing facilities or operations, every transferor of such property shall insert the deed restriction recited below in the deed transferring any right, title or interest in the property to the transferee.

RIGHT TO FARM DEED RESTRICTION

The City of Davis, Yolo and Solano Counties permit operation of properly conducted agricultural operations within the City and the Counties.

You are hereby notified that the property you are purchasing is located within 1000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural

processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24 hour period.

One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact either the Yolo or Solano County Agricultural Commissioners.

The City of Davis' Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

In addition, the City of Davis has established a grievance procedure to assist in the resolution of disputes which arise between the residents of the City regarding agricultural operations.

This Right To Farm Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the property is not located within 1000 feet of agricultural land or agricultural operations as defined by Davis City Code Section 30-20.

Section 30-40. Notification to Transferees.

(a) Every transferor of property subject to the notice recorded pursuant to Section 30-30 shall provide to any transferee in writing the Notice of Right to Farm recited below. The Notice of Right to Farm shall be contained in each offer for sale, counter offer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, rental agreement, or any other form of agreement or contract for the transfer of property; provided that the Notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice.

(b) The form of Notice of Right To Farm is as follows:

NOTICE OF RIGHT TO FARM

The City of Davis, Yolo and Solano Counties permit operation of properly conducted agricultural operations within the City and the Counties.

You are hereby notified that the property you are purchasing/leasing/renting is located within 1000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24 hour period.

One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact either the Yolo or Solano County Agricultural Commissioners.

The City of Davis' Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency.

In addition, the City of Davis has established a grievance procedure to assist in the resolution of disputes which arise between the residents of the City regarding agricultural operations.

This notification is given in compliance with Davis City Code Section 30-40. By initialling below, you are acknowledging receipt of this notification.

Transferor's Initials

Transferee's Initials

(c) The failure to include the foregoing notice shall not invalidate any grant, conveyance, lease or encumbrance.

(d) The notice required by this Section 30-40 shall be included in every agreement for transfer entered into after the effective date of this chapter, including property subject to the deed restriction cited in Section 30-30.

Section 30-50. Agricultural Buffer Requirement.

(a) In addition to the right to farm deed restriction and notice requirement, the City of Davis has determined that the use of property for agricultural operations is a high priority. To minimize future potential conflicts between agricultural and non-agricultural land uses and to protect the public health, all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area. In addition, development limits or restricts opportunities to view farmlands. Public access to a portion of the agricultural buffer will permit public views of farmland. Use of nonpolluting transportation methods (i.e. bikes), and use of the land to fulfill multiple policies including, but not limited to, agricultural mitigation and alternative transportation measures meets the policy objectives of the Davis General Plan. The agricultural buffer/agricultural transition area shall be a minimum of one hundred fifty (150) feet measured from the edge of the agricultural, greenbelt or habitat area. Optimally, to achieve a maximum separation and to comply with the five hundred (500) foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty (150) feet is encouraged.

(b) The minimum one hundred fifty (150) foot agricultural buffer/agricultural transition area shall be comprised of two components: a fifty (50) foot wide agricultural transition area located contiguous to a one hundred (100) foot wide agricultural buffer located contiguous to the agricultural, greenbelt, or habitat area. The one hundred fifty (150) foot agricultural buffer/transition area shall not qualify as farmland mitigation pursuant to Article III of this Chapter.

(c) The following uses shall be permitted in the one hundred (100) foot agricultural buffer: native plants, tree or hedge rows, drainage channels, storm retention ponds, natural areas such as creeks or drainage swales, railroad tracks or other utility corridors and any other use, including agricultural uses, determined by the Planning Commission to be consistent with the use of the property as an agricultural buffer. There shall be no public access to the one hundred (100) foot agricultural buffer unless otherwise permitted due to the nature of the area (e.g., railroad tracks). The one hundred (100) foot agricultural buffer shall be developed by the developer pursuant to a plan approved by the Parks and Community Services Director or his/her designee. The plan shall include provision for the

establishment, management and maintenance of the area. The plan shall include the use of integrated pest management techniques. An easement in favor of the City shall be recorded against the property which shall include the requirements of this article or, at the developer's discretion, the property shall be dedicated to the City in fee title.

(d) The following uses shall be permitted in the fifty (50) foot agricultural transition area: bike paths, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing and any other use determined by the Planning Commission to be of the same general character as the foregoing enumerated uses. There shall be public access to the fifty (50) foot agricultural transition area. The fifty (50) foot agricultural transition area shall be developed by the developer pursuant to a plan approved by the Parks and Community Services Director or his/her designee. Once the area is improved and approved by the Parks and Community Services, the land shall be dedicated to the City and annexed to a lighting and landscaping assessment district to pay for the maintenance of the area. The City shall maintain the agricultural transition area once the land is improved, dedicated and annexed.

Article II. Dispute Resolution

Section 30-100. Properly Operated Farm not a Nuisance.

(a) Agricultural operations shall not be considered a nuisance under this chapter unless such operations are deemed to be a nuisance under California Civil Code Sections 3482.5 and 3482.6. Agricultural and agricultural processing operations shall comply with all state, federal and local laws and regulations applicable to the operations.

(b) Notwithstanding any other provision of this Chapter, no action shall be maintained under this Chapter alleging that an agricultural or agricultural processing operation has interfered with private property or personal well-being or is otherwise considered a nuisance unless the plaintiff has sought to obtain a decision pursuant to the agricultural grievance procedure provided in Section 30-110 (Resolution of Disputes) or a decision has been sought but no decision is rendered within the time limits provided in said section. This subsection shall not prevent any party or person from proceeding or bringing a legal action under the provisions of other applicable laws without first resorting to this grievance procedure.

Section 30-110. Resolution of Disputes.

(a) The City of Davis shall establish a grievance procedure to settle any disputes or any controversy that should arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation of the parties involved. Either party shall submit the controversy to a hearing officer as set forth below or to Community Mediation Services, if agreed to

by the parties, in an attempt to resolve the matter prior to the filing of any court action.

(b) Any controversy between the parties shall be submitted to the hearing officer within ninety (90) days of the later of the date of the occurrence of the particular activity giving rise to the controversy or the date a party became aware of the occurrence.

(c) The effectiveness of the hearing officer for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy and are encouraged to seek a written statement from the agriculture commissioner as to whether the activity under dispute is consistent with adopted laws and regulations and accepted customs and standards.

(d) The controversy shall be presented to the hearing officer by written request of one of the parties within the time limit specified. Thereafter the hearing officer may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers to be pertinent facts. No party bringing a complaint to the hearing officer for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the hearing officer may be extended upon the written stipulation of all parties in a dispute.

(e) Any reasonable costs associated with the functioning of the hearing officer process shall be borne by the participants. The City Council may, by resolution, prescribe fees to recover those costs.

Article III. Farmland Preservation

Section 30-200. Purpose and Findings.

(a) The purpose of this chapter and this article is to implement the agricultural land conservation policies contained in the Davis general plan with a program designed to permanently protect agricultural land located within the Davis planning area for agricultural uses.

(b) The City of Davis City Council finds this chapter and this article are necessary for the following reasons: California is losing farmland at a rapid rate; Yolo and Solano county farmland is of exceptional productive quality; loss of agricultural land is consistently a significant impact under CEQA in development projects; the Davis general plan has policies to preserve farmland; the City of Davis



FACT SHEET

GLOSSARY



TECHNICAL ASSISTANCE
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Fax: (413) 586-9332
Web: www.farmlandinfo.org

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Washington, DC 20036
Tel: (202) 331-7300
Fax: (202) 659-8339
Web: www.farmland.org

September 1998

ADEQUATE PUBLIC FACILITIES ORDINANCE

A form of comprehensive growth management that prevents new homes from being built in a community until municipal services such as sewers, roads, public water supplies and schools are available to serve the new residents.

AGRICULTURAL CONSERVATION EASEMENT

A legal agreement restricting development on farmland. Land subjected to an ACE is generally restricted to farming and open space use. See also conservation easement.

AGRICULTURAL DISTRICT

A legally recognized geographic area formed by one or more landowners and approved by one or more government agencies, designed to keep land in agriculture. Agricultural districts are created for fixed, renewable terms. Enrollment is voluntary; landowners receive a variety of benefits that may include eligibility for differential assessment, limits on annexation and eminent domain, protection against unreasonable government regulation and private nuisance lawsuits, and eligibility for purchase of agricultural conservation easement programs. Also known as agricultural preserves, agricultural security areas, agricultural preservation districts, agricultural areas, agricultural incentive areas, agricultural development areas and agricultural protection areas.

Agricultural Protection Zoning (APZ)

Zoning is a form of local land use regulation. Agricultural protection zoning ordinances protect the agricultural land base by limiting non-farm uses, prohibiting high-density development, requiring houses to be built on small lots and restricting subdivision of land into parcels that are too small to farm.

APZ takes many forms:

Exclusive agricultural zoning

This form of zoning prohibits non-farm residences and most non-agricultural activities; exceptions are made for parcels of land that are not suitable for farming.

Large minimum lot size zoning

These ordinances require a certain number of acres for every non-farm dwelling, typically at least 20 acres in the eastern United States or at least 35 acres in other regions.

Area-based allowance zoning

These ordinances establish a formula for the number of non-farm dwellings permitted per acre, but houses are typically built on small lots.

Fixed area-based allowance zoning

These ordinances specify a certain number of units per acre.

Sliding scale area-based allowance zoning

Under these ordinances, the number of dwellings permitted varies with the size of the tract. Owners of smaller parcels are allowed to divide their land into more lots on a per-acre basis than owners of larger parcels.

ANNEXATION

The incorporation of land into an existing community that results in a change in the community's boundary. Annexation generally refers to the inclusion of newly incorporated land but can also involve the transfer of land from one municipality to another.

APPRAISAL

A systematic method of determining the market value of property.

BARGAIN SALE

The sale of property or an interest in property for less than fair market value. If property is sold to a qualifying public agency or conservation organization, the difference between fair market value and the agreed-upon price can be claimed as a tax-deductible charitable gift for income tax purposes. Bargain sales also are known as conservation sales.

BUFFERS

Physical barriers that separate farms from land uses that are incompatible with agriculture. Buffers help safeguard farms from vandals and

rights to a public agency or land trust generally does not pass any affirmative interest in the property. Rather than the right to develop the land, the buyer acquires the responsibility to enforce the negative covenants or restrictions stipulated in the development rights agreement.

Development rights may also be sold to individuals or a public agency through a transfer of development rights program. In this case, the buyer does acquire a positive right to develop land, but the right is transferred to a site that can accommodate growth.

DIFFERENTIAL ASSESSMENT

An agricultural property tax relief program that allows eligible farmland to be assessed at its value for agriculture rather than its fair market value, which reflects "highest and best" use. These take three different forms: preferential assessment, deferred taxation and restrictive agreements. Differential assessment is also known as current use assessment, current use valuation, farm use valuation and use assessment.

DOWNZONING

A change in the zoning for a particular area that results in lower residential densities. For example, a change from a zoning ordinance that requires 10 acres per dwelling to an ordinance that requires 40 acres per dwelling is a downzoning.

FARM LINK

A program that matches retiring farmers who want to keep their land in agriculture with beginning farmers who want to buy a farm. Farm Link programs are designed to facilitate farm transfer, usually between farmers who are not related to each other. Also known as Land Link.

FEE SIMPLE

A form of land ownership that includes all property rights, including the right to develop land.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS)

Agricultural practices that are widely used by farmers, promoted by agricultural institutions such as Extension and comply with federal and state environmental, health and safety laws and regulations. Some states have specific definitions of GAAMPs that may be used to determine whether a particular farm practice constitutes a public or private nuisance.

GEOGRAPHIC INFORMATION SYSTEM (GIS)

A method of storing geographic information on computers. Geographic information can be obtained from a variety of sources, including topographical maps, soil maps, aerial and satellite photographs and remote sensing technology. This information can then be used to create special maps for recordkeeping and decision-making purposes. GIS systems may be used to maintain maps of protected land or make decisions about which farmland to protect.

LAND EVALUATION AND SITE ASSESSMENT (LESA)

A numerical system that measures the quality of farmland. It is generally used to select tracts of land to be protected or developed.

LAND LINK

See farm link.

LAND TRUST

A private, nonprofit conservation organization formed to protect natural resources such as productive farm and forest land, natural areas, historic structures and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land, and some provide land use and estate planning services to local governments and individual citizens.

GLOSSARY

For additional information on farmland protection, the Farmland Information Center offers publications, an on-line library and technical assistance. To order AFT publications, call (800) 370-4879. The farmland information library is a searchable database of literature, abstracts, statutes, maps, legislative updates and other useful resources. It can be reached at <http://www.farmlandinfo.org>. For additional assistance on specific topics, call the technical assistance service at (413) 586-4593.

LOCAL AGENCY FORMATION COMMISSION (LAFCO)

A California state agency existing in each county. LAFCOs consist of commissioners from city councils, county boards of supervisors and members of the general public. They function as boundary commissions with the power to approve or deny requests for annexation of land from unincorporated (county) areas into incorporated (city) areas. LAFCOs also have authority to incorporate cities, establish or modify "sphere of influence" boundaries, and create or expand special district boundaries.

MITIGATION ORDINANCE

An ordinance or section of an ordinance or state law that requires developers of agricultural land to protect an equivalent quantity of land with similar characteristics in the same political jurisdiction. In some cases, developers may satisfy the mitigation requirement by paying a fee.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Formerly known as the Soil Conservation Service, NRCS is a federal agency within the U.S. Department of Agriculture that provides leadership and administers programs to help people conserve, improve and sustain our natural resources and environment. The agency provides technical assistance to farmers and funds soil conservation and farmland protection programs. It also maintains statistics on farmland conversion. NRCS has offices in every state and in most agricultural counties.

PLANNED UNIT DEVELOPMENT (PUD)

A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDs are developed according to detailed site plans and may incorporate both residential and commercial land uses. They generally include improvements such as roads and utilities.

PREFERENTIAL ASSESSMENT

A form of differential assessment that permits eligible land to be assessed at its value for agriculture.

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS (PACE)

PACE programs pay farmers to keep their land available for agriculture. Landowners sell an agricultural conservation easement to a qualified public agency or private conservation organization. Landowners retain full ownership and use of their land for agricultural purposes. PACE programs do not give government agencies the right to develop land. Development rights are extinguished in exchange for compensation. PACE is also known as purchase of development rights (PDR) and as agricultural preservation restriction (APR) in Massachusetts.

PURCHASE OF DEVELOPMENT RIGHTS (PDR)

See purchase of agricultural conservation easements.

REAL ESTATE TRANSFER TAX

A state or local tax imposed on the sale of real property.

RECEIVING AREA

Areas designated to accommodate development transferred from agricultural or natural areas through a transfer of development rights program.

RESTRICTIVE AGREEMENTS

A type of differential assessment that requires landowners to sign contracts to keep land in agricultural use for 10 years or more as a condition of eligibility for tax relief. If a landowner gives notice of intent to terminate a contract, the assessed value of the property increases during the balance of the term to the full fair market value.

RIGHT-TO-FARM LAW

A state law or local ordinance that protects farmers and farm operations from public and private nuisance lawsuits. A private nuisance interferes with an individual's use and enjoyment of his or her property. Public nuisances involve actions that injure the public at large.

SENDING AREA

Area to be protected through a transfer of development rights program. Landowners may sell their development rights to private individuals or a public agency; the rights are used to build homes in a designated receiving area.

SETBACK

A zoning provision requiring new homes to be separated from existing farms by a specified distance and vice versa.

SPECIAL ASSESSMENT

A charge that state and local governments can impose on landowners whose land benefits from the construction of roads or sewer lines adjacent to their property. The amount of the special assessment is usually the pro rata share of the cost of installing the improvement.

TAKING

An illegal government appropriation of private property or property rights. Traditionally, takings law has addressed physical seizures of land, but regulations that deprive landowners of certain property rights may also result in a taking in special circumstances. Courts decide whether a particular government action constitutes a taking.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

A program that allows landowners to transfer the right to develop one parcel of land to a different parcel of land to prevent farmland conversion. TDR programs establish "sending areas" where land is to be protected by agricultural conservation easements and "receiving areas" where land may be developed at a higher density than would otherwise be allowed by local

zoning. Landowners in the sending area sell development rights to landowners in the receiving area, generally through the private market. When the development rights are sold on a parcel, a conservation easement is recorded and enforced by the local government. In some cases, the local government may establish a "TDR bank" to buy and sell development rights. The development rights created by TDR programs are referred to as transferable development rights (TDRs) or transferable development credits (TDCs).

UPZONING

A change in the zoning for a particular area that results in higher residential densities. For example, a change from a zoning ordinance that requires 100 acres per dwelling to an ordinance that requires 25 acres per dwelling is an upzoning.

URBAN GROWTH BOUNDARY

A theoretical line drawn around a community that defines an area to accommodate anticipated growth for a given period of time, generally 20 years. Urban growth boundaries are a growth management technique designed to prevent sprawl. They are often used to guide decisions on infrastructure development, such as the construction of roads and the extension of municipal water and sewer services.

GLOSSARY

trespassers, and protect homeowners from some of the negative impacts of commercial farming. Vegetated buffers and topographic barriers reduce the potential for clashes between farmers and their non-farming neighbors. Buffers may be required by local zoning ordinances.

CIRCUIT BREAKER TAX RELIEF

A tax abatement program that permits eligible landowners to take some or all of the property tax they pay on farmland and farm buildings as a credit to offset their state income tax. Generally, farmers are eligible for a credit when property taxes exceed a set percentage of their income.

CLUSTER ZONING

A form of zoning that allows houses to be built close together in areas where large minimum lot sizes are generally required. By grouping houses on small sections of a large parcel of land, cluster zoning can be used to protect open space. Also known as cluster development, land preservation subdivision, open land subdivision and open space subdivision.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

A form of direct marketing of farm products that involves customers paying the farmer in advance for a weekly share of the harvest. Customers are often called shareholders. In some cases, shareholders may participate in farm work and farm decisions. Farms that use this marketing strategy are called "CSA farms" or "CSAs." CSA is also known as subscription farming.

COMPREHENSIVE GROWTH MANAGEMENT

A state, regional, county or municipal government program to control the timing, location and character of land development.

COMPREHENSIVE PLAN

A regional, county or municipal document that contains a vision of how the community will grow and change and a set of plans and policies to guide land use decisions. Comprehensive plans also are known as general plans and master plans.

CONSERVATION EASEMENT

Legally recorded, voluntary agreements that limit land to specific uses. Easements may apply to entire parcels of land or to specific parts of the property. Most are permanent; term easements impose restrictions for a limited number of years. Land protected by conservation easements remains on the tax rolls and is privately owned and managed; landowners who donate permanent conservation easements are generally entitled to tax benefits. See also agricultural conservation easement and purchase of agricultural conservation easements.

CORN SUITABILITY RATING (CSR)

A numerical system for rating the productivity of farmland, used primarily in Iowa.

COST OF COMMUNITY SERVICES (COCS) STUDY

A case study method of allocating local revenues and expenditures to different land use categories. COCS studies reveal the net contribution of residential, commercial, industrial, forest and agricultural lands to local budgets.

CURRENT USE ASSESSMENT

See differential assessment.

DEFERRED TAXATION

A form of differential assessment that permits eligible land to be assessed at its value for agriculture. Deferred taxation is similar to preferential assessment, but landowners must pay some or all of the taxes that were excused if they later convert land to ineligible uses. Rollback taxes assess the difference between taxes paid under differential assessment and taxes that would have been due if the land was assessed at fair market value.

DEVELOPMENT RIGHTS

Development rights entitle property owners to develop land in accordance with local land use regulations. In some jurisdictions, these rights may be sold to public agencies or qualified nonprofit organizations through a purchase of agricultural conservation easement or purchase of development rights program. Sale of development